

1 BROWNE GEORGE ROSS LLP
Keith J. Wesley (State Bar No. 229276)
2 kwesley@bgrfirm.com
Matthew L. Venezia (State Bar No. 313812)
3 mvenezia@bgrfirm.com
Milin Chun (State Bar No. 262674)
4 mchun@bgrfirm.com
2121 Avenue of the Stars, Suite 2800
5 Los Angeles, California 90067
Telephone: (310) 274-7100
6 Facsimile: (310) 275-5697

7 Attorneys for Plaintiff
Atari Interactive, Inc.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

12 ATARI INTERACTIVE, INC.,

13 Plaintiff,

14 vs.

15 REDBUBBLE, INC.,

16 Defendant.

17 AND RELATED ACTIONS

Case No. 4:18-cv-03451-JST

[*Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST*]

**DECLARATION OF PHILLIP PALEY IN
SUPPORT OF ATARI INTERACTIVE,
INC.'S MOTION FOR SUMMARY
JUDGMENT**

Judge: Hon. Jon S. Tigar

Date: July 8, 2020

Time: 2:00 pm

Crtrm.: 9

DECLARATION OF PHILLIP PALEY

I, Phillip Paley, declare and state as follows:

1. I am a paralegal for Browne George Ross LLP, counsel of record for Atari Interactive, Inc. in this matter. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could and would competently testify thereto.

2. On March 23, 2020, I accessed a product listing on the Redbubble website entitled “Centipede Slim Fit T-Shirt.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit A.**”

3. On March 23, 2020, I accessed a product listing on the Redbubble website entitled “Millipede Long Sleeve T-Shirt.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit B.**”

4. On March 23, 2020, I accessed a product listing on the Redbubble website entitled “Maze Craze Classic T-Shirt.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit C.**”

5. On March 23, 2020, I accessed a product listing on the Redbubble website entitled “Missile Command V-Neck T-Shirt.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit D.**”

6. On March 26, 2020, I accessed a product listing on the Redbubble website entitled “Missile Command Case & Skin for Samsung Galaxy.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit E.**”

7. On April 24, 2020, I accessed a product listing on the Redbubble website entitled “break out Slim Fit T-Shirt.” I captured a screenshot of the product listing. A true and correct copy of that screenshot is attached hereto as “**Exhibit F.**”

8. On April 7, 2020, I accessed Google Shopping and performed a search for “missile command t-shirt.” I captured a screenshot of the first page of the search results. A true and correct copy of that screenshot is attached hereto as “**Exhibit G.**”

1 9. On April 7, 2020, I accessed Google Shopping and performed a search for
2 “swordquest t-shirt.” I captured a screenshot of the first page of the search results. A true and
3 correct copy of that screenshot is attached hereto as “**Exhibit H.**”

4 Executed this 29th day of April 2020, at Los Angeles, California.

5 I declare under penalty of perjury under the laws of the United States of America that the
6 foregoing is true and correct.

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Phillip Paley

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of April, 2020, I electronically filed the foregoing **DECLARATION OF PHILLIP PALEY IN SUPPORT OF ATARI INTERACTIVE, INC.'S MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

SERVICE LIST

Atari Interactive, Inc. v. Redbubble Inc.
U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST;
and 19-cv-00264-JST]

Kenneth B. Wilson
COASTSIDE LEGAL
455 1st Avenue
Half Moon Bay, CA 94019
Tel: (650)440-4211
Fax: (650)440-4851
ken@coastsidelegal.com

Attorneys for Defendant
Redbubble, Inc.

Jonathan M. Masur
Zachary S. Davidson
ZUBER LAWLER &
DEL DUCA LLP
2000 Broadway Street, Suite 154
Redwood City, California 94063
Telephone: (650) 434-8538
Email: jmasur@zuberlawler.com
zdavidson@zuberlawler.com

Attorneys for Defendant
Redbubble, Inc.

Debora Sanfelippo
dsanfelippo@zuberlawler.com



Andrea A. Augustine